

## REMARKS

Applicants request favorable reconsideration and withdrawal of the rejections set forth in the above-mentioned Office Action in view of the foregoing amendments and the following remarks.

Claims 57, 59-65, and 77-86 are now pending in the application, with Claims 57, 77, and 86 being independent. Claims 77 through 86 have been added. Support for the new claims can be found throughout the originally-filed application. Accordingly, Applicants submit that no new matter has been added.

### Statement of Substance of Interview

Applicants wish to thank Examiner Harper for the courtesies extended toward their representatives during the interview conducted by telephone on October 31, 2008.

The interview focused primarily on a discussion of various features of the invention, as recited in the pending independent claims, in comparison with U.S. Patent No. 6,075,905 to Herman (hereinafter "Herman").

As discussed during the interview, an image processing system, according to the invention of claim 57, includes an information processing apparatus and an image storage apparatus. The image processing apparatus includes means for holding scale-down images including color information of each of a plurality of material images, wherein the scale-down images correspond respectively to the plurality of material images; division means for dividing the original image into a plurality of blocks; determination means for determining selected material images and their positions such that the selected material images have color information

similar to color information of respective blocks divided from the original image based on the color information of each of the plurality of material images and the color information of each of the plurality of blocks; and first output means for outputting the positions of the selected material images determined by the determination means to the image storage apparatus.

The Herman patent discloses an apparatus for constructing an image mosaic including means for selecting and aligning source images. However, as discussed by Applicants' representatives during the interview, while the Herman patent may disclose selecting source images that will make up the images of a mosaic, the patent fails to disclose dividing an original image into a plurality of blocks, and determining selected material images and the positions of the selected material images based on the color information of the material images and the color information of the plurality of blocks divided from the original image. Rather, for the mosaic of the Herman patent, the source images are merged and placed from a seed image. See column 8, lines 31-42. As such, the Herman patent does not teach or suggest an original image that is divided into blocks.

Further, as discussed by Applicants' representatives during the interview, the claimed invention selects material images such that the color information of the selected material images are similar to the color information of respective blocks divided from the original image. As there is no teaching of an original image that is divided into blocks in Herman, there is no teaching of determining selected material images and their positions such that the selected material images have color information similar to color information of respective blocks divided from the original image based on the color information of each of the plurality of material images and the color information of each of the plurality of blocks. That is, as blocks are not divided from an original image, the Herman patent cannot be understood to teach or suggest that color

information of each of the plurality of blocks divided from an original image is utilized in a determination of any kind, much less the determination set forth in claim 57. Thus, the Herman patent cannot anticipate or suggest the present invention, as recited in the independent claims.

The Examiner acknowledged that in his initial view, the Herman patent was deficient in these respects, and indicated that he would reconsider the rejection and conduct a further search after a response to the Office Action was filed. The foregoing comments are presented in response to the Examiner's request that the formal response to the outstanding Office Action include comments clarifying the use of color information in determining the material image to be selected and associated with a block divided from the original image, as discussed in the course of the interview.

#### Response to Office Action

Claims 57-59, 62-65, and 68 are rejected in the Office Action under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,075,905 to Herman. Disclosures of Herman relevant to this rejection are discussed in the Statement of Substance of Interview. Claims 60, 61, 63, and 64 were rejected under 35 U.S.C. §103(a) as being unpatentable over Herman in view of U.S. Patent No. 5,325,449 to Burt.

Applicants submit that the cited references not teach or suggest features of the present invention recited in the claims. Therefore, these rejections are respectfully traversed.

As recited in independent claim 57, Applicants' invention relates an image processing system including an image processing apparatus that combines material images to generate a mosaic image in imitation of an original image, and an image storage apparatus. In particular, the image processing apparatus of Applicants' claimed invention includes means for holding

scale-down images including color information of each of a plurality of material images, wherein the scale-down images correspond respectively to the plurality of material images, division means for dividing the original image into a plurality of blocks, and determination means for determining selected material images and their positions such that the selected material images have color information similar to color information of respective blocks divided from the original image based on the color information of each of the plurality of material images and the color information of each of the plurality of blocks.

As such, the present invention provides that the an image processing apparatus, which combines material images to generate a mosaic image in imitation of an original image. The Office Action relies on the Herman patent to teach or suggest the features of independent claim 57. As described in the above interview summary, however, Applicants respectfully submit that many features of the claims are not found in the Herman patent. For example, as detailed above, the Herman patent does not teach or suggest dividing an original into a plurality of blocks and determining the position of material images such that the color information of the selected material image is similar to the color information of each of the plurality of blocks divided from an original image. Thus, the Herman patent does not teach or suggest the present invention, as recited in independent claim 57.

New independent claims 77 and 86 recite an information processing apparatus with analogous features to those recited in independent claim 57, including division means and determination means. For example, claim 77 recites an image processing apparatus that combines a plurality of material images to generate a mosaic image in imitation of an original image. The image processing apparatus includes division means for dividing the original image into a plurality of blocks; determination means for (i) determining color information for each of

the plurality of blocks divided from the original image, (ii) determining color information for each of the plurality of material images, and (iii) selecting one of the plurality of material images to be associated with each of the plurality of blocks divided from the original image, such that the color information of a selected one of the plurality of material images is similar to the color information of each of the plurality of blocks divided from the original image; and first output means for outputting positions for each of the selected material images associated with each of the plurality of blocks divided from the original image to an image storage apparatus.

Newly presented claim 86 sets forth an image processing apparatus that combines a plurality of material images to generate a mosaic image in imitation of an original image. The image processing apparatus includes division means for dividing the original image into a plurality of tiles; determination means for (i) determining average density information for each of the plurality of tiles divided from the original image, (ii) determining average density information to be associated with each of the plurality of material images, and (iii) selecting one of the plurality of material images for each of the plurality of tiles divided from the original image, such that the color information of a selected one of the plurality of material images is similar to the color information of each of the plurality of tiles divided from the original image; and first output means for outputting positions for each of the selected material images associated with each of the plurality of tiles divided from the original image to an image storage apparatus. It is respectfully submitted that the Herman patent does not teach or suggest the present invention, as recited in the new independent claims 77 and 86, for analogous reasons to those discussed above with respect to independent claim 57.

The secondary citation to Burt relates to an image processing system in which image processing programs are executed through user interface of a scanner. Applicants submit,

however, that Burt fails to compensate for the deficiencies in Herman as discussed above.

For at least the foregoing reasons, Applicants submit the cited references of Herman and Burt fail to disclose or suggest the invention recited in independent claims 57, 77, and 86.

Claims 59-65 and 78-85 are dependent from independent claims 57 and 77. Applicants submit that these claims are allowable by virtue of their dependencies, and also in their own right for further defining the invention. Applicants request further individual consideration of these dependent claims.

#### Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the pending claims are allowable over the references of record, and that the application is in condition for allowance. Favorable reconsideration and early passage to issue of the application are earnestly solicited.

Any fee required in connection with this paper should be charged to Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our New York office at the address shown below.

Respectfully submitted,

/Donald H. Heckenberg, Jr./

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